

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**February 18, 2004**

**IN RE:**

**TARIFF TO RECLASSIFY RATE  
GROUPING OF CERTAIN BELL SOUTH  
EXCHANGES - TARIFF NUMBER  
20040055**

)  
)  
)  
)  
)  
)

**DOCKET NO.  
04-00015**

---

**ORDER GRANTING  
PETITION TO INTERVENE AND SUSPENDING TARIFF**

---

This matter is before the Hearing Officer upon the *Petition of United Telephone-Southeast, Inc for Leave to Intervene* (“*Petition*”) filed on February 13, 2004 by United Telephone- Southeast, Inc. (“United”).

**Background**

On January 15, 2004, BellSouth Telecommunications, Inc (“BellSouth”) filed a *Tariff to Reclassify Rate Grouping of Certain BellSouth Exchanges – Tariff Number 20040055* (“*Tariff*”). The Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”) filed a *Complaint and Petition to Intervene* on January 26, 2004. BellSouth filed a response on February 6, 2004 and the Consumer Advocate filed a reply on February 9, 2004.

At a regularly scheduled Authority Conference held on February 9, 2004, the voting panel assigned to this Docket unanimously voted to open a contested case and to appoint

Director Pat Miller to act as Hearing Officer to hear preliminary matters prior to the Hearing, to rule on any petitions for intervention, and to set a procedural schedule to completion<sup>1</sup>

On February 13, 2004, United filed its *Petition to Intervene* ("*Petition*") in this matter. In its *Petition to Intervene*, United states "[A]s an incumbent local exchange company that has elected to be price regulated under T.C.A. Section 65-5-209, the decisions regarding the manner in which rate regroupings are considered for price regulation purposes, which is the subject of this proceeding, may directly affect United's legal rights, duties, privileges, immunities or other legal interests."<sup>2</sup> A status conference was held on February 17, 2004, at which the parties appeared. No party opposed United's *Petition to Intervene*.<sup>3</sup>

#### **Criteria for Permitting Intervention**

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene.

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if
  - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing,
  - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law, and
  - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

---

<sup>1</sup> See Transcript of Authority Conference, pp. 58-59 (February 9, 2004)

<sup>2</sup> *Petition to of United Telephone-Southeast, Inc. for Leave to Intervene*, pp. 1-2 (February 13, 2004)

<sup>3</sup> See Transcript of Status Conference, pp. 11-13 (February 17, 2004)

### **Petition to Intervene**

The Hearing Officer finds the *Petition to Intervene* filed by United was timely filed and served and substantiated that the legal rights, duties, privileges, immunities or other legal interests of the intervenor may be determined in this matter. The Hearing Officer further finds that the orderly and prompt conduct of this proceeding will not be impaired by granting the *Petition*. In addition, no party has objected to United's *Petition*. Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants United's *Petition to Intervene*.

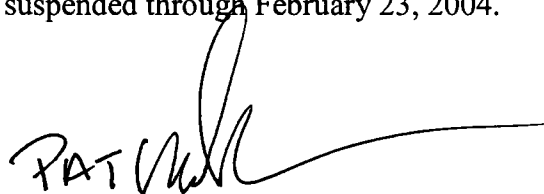
### **Suspension of Tariff**

The *Tariff* that is the subject of this proceeding is set to take effect on February 20, 2004. The next status conference in this matter is also scheduled for February 20, 2004, and the next regularly scheduled Authority Conference is scheduled for February 23, 2004. Therefore, the Hearing Officer finds that a suspension of the *Tariff* is necessary while this proceeding is pending, and finds that a suspension of the *Tariff* through February 23, 2004 will allow the matter to be brought before the voting panel for any further action that may be required.

### **IT IS THEREFORE ORDERED THAT:**

1 United Telephone- Southeast, Inc. is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.

2 Tariff Number 20040055 is hereby suspended through February 23, 2004.

A handwritten signature in black ink, appearing to read 'PAT MILLER', is written over a horizontal line.

Pat Miller, Director  
As Hearing Officer